

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**BURVIN STEVENSON,**

**Plaintiff,**

**CIVIL ACTION NO. 07-CV-14040-DT**

**vs.**

**DISTRICT JUDGE DENISE PAGE HOOD**

**GEORGE PRAMSTALLER,  
et al.,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendants.**

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**OPINION AND ORDER RESOLVING MISCELLANEOUS MOTIONS**

This matter comes before the Court on several motions. This is a *pro se* civil rights action filed by a Michigan state prisoner. (Docket nos. 2, 8). Defendants Correctional Medical Services, Rocco DeMasi, and Craig Hutchinson have filed a Motion to Dismiss. (Docket no. 32). Defendants Caruso, John Does, and Pramstaller have filed a Motion for Summary Judgment. (Docket no. 33). Those two motions will not be ruled upon in this Order. The motions which will be ruled upon are: (1) Defendants' Motion to Transfer Case (docket no. 31); (2) Plaintiff's Motion for Order to Show Cause (docket no. 38); (3) Plaintiff's Motion for Extension of Time (docket no. 39); (4) Plaintiff's Motion for Discovery (docket no. 42); and (5) Plaintiff's Motion to Stay Proceedings (docket no. 45). Plaintiff has responded to Defendants' Motion to Transfer Case. (Docket no. 40). Defendants have not responded to Plaintiff's motions. Pretrial matters have been referred to the undersigned for decision. (Docket no. 5). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). These five motions are now ready for ruling.

Defendants move to transfer this action to the Western District of Michigan pursuant to 28 U.S.C. § 1404(a). (Docket no. 31). Plaintiff filed this action originally in the Western District and that court transferred the action to this Court. (Docket no. 1). A court has broad discretion when deciding whether to transfer an action. *Phelps v. McClellan*, 30 F.3d 658, 663 (6<sup>th</sup> Cir. 1994). Given the pending dispositive motions and the fact that this action was transferred from the Western District to this Court, Defendants' Motion to Transfer Case will be denied.

Plaintiff's Motion for Order to Show Cause (docket no. 38) is a request for the Court to show cause why Plaintiff's pleadings are not being responded to as he wishes. This Order will dispose of all of the pending matters except the two dispositive motions which will be considered in due time. Plaintiff's motion is therefore moot and will be denied on that basis.

Plaintiff seeks an extension of time to respond to Defendants' Motion for Summary Judgment. (Docket no. 39). He asks for an extension of 60 days from the date he filed this motion, July 28, 2008. The Court finds good cause for granting Plaintiff an extension of time and his responses to the pending dispositive motions must be filed on or before September 15, 2008.

Plaintiff's Motion for Discovery lists items that he wishes Defendants to produce. (Docket no. 42). Plaintiff fails to show that he has made a proper discovery request to Defendants, therefore this motion will be denied. Moreover, because this is a *pro se* prisoner proceeding it is exempted from the initial disclosure requirements of Fed. R. Civ. P. 26. Fed. R. Civ. P. 26(a)(1)(B)(iv). In addition, Defendants raise the defense of qualified immunity as state employees in their motion for summary judgment. (Docket no. 33). The Sixth Circuit has made clear that when such a motion is filed discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6<sup>th</sup> Cir. 2002). In accordance with this authority,

Plaintiff's Motion for Discovery will be denied. The Court notes that the most relevant discovery for this action, Plaintiff's medical records relating to the cataract in his left eye, were attached by Plaintiff to his original Complaint. (Docket no. 2).

Finally, Plaintiff moves to stay all proceedings in this action until November 1, 2008 because he is scheduled to be transferred to a different prison and has a release date of October 15, 2008. (Docket no. 45). The Court finds no good cause to stay the proceedings in this action. Plaintiff may keep this Court advised of his new addresses, and the action will proceed.

**IT IS THEREFORE ORDERED** that Defendants' Motion to Transfer Case (docket no. 31) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Order to Show Cause (docket no. 38) is **DENIED** as moot.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Extension of Time (docket no. 39) is **GRANTED IN PART**, and Plaintiff shall respond to Defendants' Motion for Summary Judgment and Motion to Dismiss on or before September 15, 2008.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Discovery (docket no. 42) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Stay Proceedings (docket no. 45) is **DENIED**.

### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 03, 2008

s/ Mona K. Majzoub  
MONA K. MAJZOUN  
UNITED STATES MAGISTRATE JUDGE

### **PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Burvin Stevenson and Counsel of Record on this date.

Dated: September 03, 2008

s/ Lisa C. Bartlett  
Courtroom Deputy